

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

WILLIAM STACY TIMMONS

PLAINTIFF

vs.

CIVIL ACTION No.: 3:16-CV-970-HTW-LRA

DEPUTY WARDEN WENDELL BANKS, *et al*

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATIONS

BEFORE THIS COURT is the Report and Recommendation of the United States Magistrate Judge Linda Anderson [**Docket no. 25**]. In her Report and Recommendation, filed on February 16, 2018, Magistrate Judge Anderson recommended that the plaintiff's Complaint [**Docket no. 1**] be DISMISSED FOR FAILURE TO PROSECUTE and then directed the *pro se* plaintiff to file any objections within fourteen (14) days. The plaintiff has failed to do so.

Magistrate Judge Anderson's Report and Recommendation found that the plaintiff failed to appear for an omnibus hearing set on February 15, 2018: she also found that the plaintiff failed to contact the court to request a continuance or to excuse his absence. Accordingly, Magistrate Judge Anderson recommended that this court find that the petition in this matter is MOOT and that the petitioner has abandoned his lawsuit.

Based upon the findings and recommendation contained in the Report and Recommendation [**Docket no. 25**], this court finds it well-taken. Therefore, the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED** as the order of this court.

Further, this order hereby **DISMISSES** this lawsuit **WITHOUT PREJUDICE**. The parties are to bear their own costs.

SO ORDERED AND ADJUDGED this the 21st day of June, 2018.

s/ HENRY T. WINGATE
UNITED STATES DISTRICT COURT JUDGE